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JCS62 U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
CUB-31

Total Pages in this Submission  
73

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**COMPOSITIONS AND METHODS FOR INCREASING THE ORAL ABSORPTION OF ANTIMICROBIALS**

and invented by:

SEUNG-HO CHOI, JEOUNG-SOO LEE AND DENNIS KEITH

PRO  
JCS62 U.S. PTO  
09/888114  
06/22/01

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: CUB-31 PCT  
which is a: Filed: June 18, 2001

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/829,405

which is a:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 6,248,360

Enclosed are:

### Application Elements

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 65 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Microfiche Appendix (*if applicable*)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if drawings filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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Application Elements (Continued)

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)  
a.  Formal      b.  Informal      Number of Sheets 4

4.  Oath or Declaration  
a.  Newly executed (*original or copy*)       Unexecuted  
b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)  
c.  With Power of Attorney       Without Power of Attorney  
d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.

6.  Computer Program in Microfiche

7.  Genetic Sequence Submission (*if applicable, all must be included*)  
a.  Paper Copy  
b.  Computer Readable Copy  
c.  Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8.  Assignment Papers (*cover sheet & documents*)

9.  37 CFR 3.73(b) Statement (*when there is an assignee*)

10.  English Translation Document (*if applicable*)

11.  Information Disclosure Statement/PTO-1449       Copies of IDS Citations

12.  Preliminary Amendment

13.  Acknowledgment postcard

14.  Certificate of Mailing  
 First Class     Express Mail (*Specify Label No.*): EK154695207US

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Accompanying Application Parts (Continued)

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)

16.  Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

17.  Additional Enclosures (*please identify below*):

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	41	- 20 =	21	x \$9.00	\$189.00
Indep. Claims	3	- 3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable)		☒			\$135.00
				BASIC FEE	\$355.00
OTHER FEE (specify purpose)					\$0.00
				TOTAL FILING FEE	\$679.00

Duplicate copies of the Credit Card Payment Form authorizing a charge

A check in the amount of \$679.00 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. as described below. A duplicate copy of this sheet is enclosed.

- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: June 22, 2001

Correspondence Address:

Kerry A. Flynn  
Cubist Pharmaceuticals  
24 Emily Street  
Cambridge MA 02139

  
Signature

Kerry A. Flynn  
Reg. No. 33,693

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Choi, et al.

Docket No.

CUB-31

Serial No. NOT YET ASSIGNED	Filing Date June 22, 2001	Examiner NOT YET ASSIGNED	Group Art Unit NOT YET ASSIGNED
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Invention: **COMPOSITIONS AND METHODS FOR INCREASING THE ORAL ABSORPTION OF ANTIMICROBIALS**

I hereby certify that the following correspondence:

**Transmittal Letter, Patent Application (Description, Claims, Abstract and Informal Figures) and Credit Card Payment Form**

*(Identify type of correspondence)*

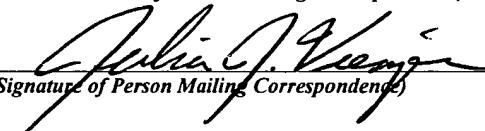
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, <sup>Box Patent Application</sup> Washington, D.C. 20231 on

June 22, 2001

*(Date)*

**Julia J. Vierzen**

*(Typed or Printed Name of Person Mailing Correspondence)*



*(Signature of Person Mailing Correspondence)*

**EK154695207US**

*("Express Mail" Mailing Label Number)*

OCT 2001 - DECEMBER 2004

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